

STATE OF MARYLAND

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

**Shari T. Wilson, Secretary**

**BILL NO:** Senate Bill 408

**COMMITTEE:** Education, Health and Environmental Affairs

**POSITION:** Oppose

-----  
**TITLE:** Environment-Water Pollution Control-Incentives and Penalties

**BILL ANALYSIS:** This bill would amend Sections 9-320 and 9-342 of the Environment Article to:

1. Require MDE to adopt regulations providing for “performance improvement incentives” in the form of a reduction in administrative penalties to owners and operators of sanitary sewer systems, combined sewer systems and wastewater treatment plants;
2. Increase MDE’s administrative civil penalty authority from \$1,000 per day per violation to \$10,000 per day per violation (without changing the overall \$50,000 cap);
3. Add to the list of statutory penalty factors the “performance improvement incentive” regulations.

**POSITION AND RATIONALE:** MDE has concerns about SB 408. Because this legislation does not increase the overall cap on penalties for each enforcement action, MDE would be limited with respect to deciding when it would elect to pursue an administrative action versus going to court, where there is no overall penalty cap. The category of facilities that would fall under this bill is overly broad and would include public and private sewer systems and wastewater treatment plants and industrial discharges. MDE believes that this legislation would reduce the financial disincentive for noncompliance and potentially discourage permitted entities from making improvements proactively (i.e. before violations occur).

**FOR MORE INFORMATION,**  
**CONTACT LISA NISSLEY**  
**410-260-6301 ANNAPOLIS**  
**410-537-3812 BALTIMORE**